HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 148 OF 1985.

Kanhaiyalal Naji Shah (Since deceased)
by his legal heirs:

1(a) Miss. Raksha Kanhavalal Shah
and others. .. Appellants.

Versus.

Bhupendrakumar Vithaldas Shah
& Others. ..Respondents.

Shri. V. R. Sutrale for the Appellants.

Shri. P. H. Toprani i/b Shri. N. B. Soman for the respondents.

CORAM: S.B.MHASE, J.

DATE : JULY 13, 2006.

P.C.

1. The appellant - Kanhaiyalal Nagji Shah is dead. However, his legal heirs as stated in the appeal memo, namely, 1(a) - Miss. Raksha K. Shah, 1(b) - Miss. Seema K. Shah and 1(c) - Bhavesh K. Shah are present. The respondent is also present. The counsel for the appellant and respondent are present. The consent terms arrived at in between the appellant and respondent, duly signed by the appellant and the respondent along with their respective advocates with due identification are submitted to this Court. This Court has ascertained from

the appellant and the respondent that they have understood the consent terms. The respondent no.1 has also accepted, as stated in consent terms, that the amount of Rs. 2 lacs have been received by him, out of court. This Court ascertained from the appellant and the respondent that they have voluntarily entered into the said terms of settlement or compromise. Therefore, I hereby accept the terms of compromise. This document of settlement is taken on record. The undertaking given in the said terms of settlement are hereby accepted. Consent terms are marked "X" for identification. The First appeal No. 148 of 1985 is hereby disposed of in terms of the settlement / consent terms. Office is directed to draw the decree in terms of the consent terms. Since decree in terms of the consent terms is directed to be drawn, the earlier decree is set aside and modified in terms of the consent terms, Exhibit-X. First Appeal is accordingly disposed of.

(S.B.MHASE, J.)